

# COMMITTEE REPORT

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## MADAM PRESIDENT:

The Senate Committee on Tax and Fiscal Policy, to which was referred House Bill No. 1360, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

1       Page 1, between the enacting clause and line 1, begin a new  
2 paragraph and insert:

3       "SECTION 1. IC 8-1-2-23.1 IS ADDED TO THE INDIANA CODE  
4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
5 1, 2009]: **Sec. 23.1. (a) This section applies to a public utility that  
6 complies with the schedule set forth in IC 8-1-37-5(b).**

7       **(b) For purposes of section 23 of this chapter, the construction,  
8 addition, extension, or improvement of a public utility's plant or  
9 equipment to provide electric or gas service to a customer that:**

10       **(1) produces biodiesel, ethanol, or any other biofuel; or**

11       **(2) is a renewable energy manufacturing facility (as defined  
12 in IC 8-1-38-4);**

13       **is in fact used and useful in the public service.**

14       **(c) This subsection applies to a public utility's general rate  
15 proceeding that immediately follows the public utility's investment  
16 in a construction, an addition, an extension, or an improvement  
17 described in subsection (b). A public utility may accrue for  
18 recovery in the rate proceeding depreciation and a return, not to  
19 exceed a total of fifty million dollars (\$50,000,000), on the public  
20 utility's investment at the rate of return authorized by the  
21 commission in the public utility's general rate proceeding**

immediately preceding the investment. The accrual of a return by a public utility under this subsection:

(1) begins on the date the public utility initially records the investment in the public utility's books or records, as determined by the commission; and

(2) ends on the earlier of the following dates:

(A) The date on which the public utility accrues the full return determined under this subsection.

(B) The date rates are placed in effect after a general rate proceeding that recognizes an investment by a public utility in the public utility's rate base.

(d) Notwithstanding subsection (c), the commission shall revoke a cost recovery approved under this chapter for an electricity supplier that the commission determines has:

(1) elected to; and

(2) failed to;

comply with the schedule set forth in IC 8-1-37-5(b).

(e) This section expires December 31, 2020, unless reauthorized by the general assembly before December 31, 2020. However, a return accrued under this section before January 1, 2021, expires on the appropriate date determined under subsection (c)(2) even if the expiration date occurs after December 31, 2020.

SECTION 2. IC 8-1-8.2 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

#### **Chapter 8.2. Electric Line Facilities Projects**

**Sec. 1.** As used in this chapter, "commission" refers to the Indiana utility regulatory commission created by IC 8-1-1-2.

**Sec. 2.** As used in this chapter, "electric line facilities" means the following:

(1) Overhead or underground electric transmission lines.

(2) Overhead or underground electric distribution lines.

(3) Electric substations.

**Sec. 3.** As used in this chapter, "electric line facilities project" means an addition to or the construction, operation, maintenance, reconstruction, relocation, upgrading, or removal of electric line facilities.

**Sec. 4.** As used in this chapter, "electricity supplier" means a public utility that furnishes retail electric service to the public.

**Sec. 5.** As used in this chapter, "public utility" has the meaning set forth in IC 8-1-2-1.

**Sec. 6.** As used in this chapter, "regional transmission

organization" refers to the regional transmission organization approved by the Federal Energy Regulatory Commission for the control area in which an electricity supplier operates electric line facilities.

Sec. 7. As used in this chapter, "renewable energy resources" has the meaning set forth in IC 8-1-37-4.

Sec. 8. This chapter applies to an electricity supplier that complies with the schedule set forth in IC 8-1-37-5(b).

Sec. 9. (a) The commission shall encourage electric line facilities projects by creating the following financial incentives for electric line facilities that are reasonable and necessary:

(1) The timely recovery of costs, by means of a periodic rate adjustment mechanism, incurred by an electricity supplier in connection with an electric line facilities project that transmits or distributes electricity generated from renewable energy resources.

(2) The timely recovery of costs, by means of a periodic rate adjustment mechanism, incurred by an electricity supplier taking service under a tariff of, or being assessed costs by the:

(A) regional transmission organization; or

(B) Federal Energy Regulatory Commission.

(b) The commission shall determine a reasonable schedule under which an electricity supplier may recover costs under this section. In making a determination under this subsection, the commission shall consider the impact of the cost recovery on ratepayers of the electricity supplier.

Sec. 10. (a) Subject to subsection (h), an electricity supplier must submit an application to the commission for approval of an electric line facilities project for which the electricity supplier seeks to receive a financial incentive created under section 9 of this chapter.

(b) The commission shall prescribe the form for an application submitted under this section.

(c) Upon receipt of an application under subsection (a), the commission shall review the application for completeness. The commission may request additional information from an applicant as needed. The commission may not review an application submitted after December 31, 2020, unless authorized to do so by the general assembly before January 1, 2021.

(d) The commission, after notice and hearing, shall issue a determination of an electric line facilities project's eligibility for the financial incentives described in section 9 of this chapter not later than one hundred eighty (180) days after the date of the

1 application. A determination under this subsection must include a  
 2 finding that the applicant electricity supplier is in compliance with  
 3 the schedule set forth in IC 8-1-37-5(b).

4 (e) Subject to subsections (g) and (h), the commission shall  
 5 approve an application by an electricity supplier for an electric line  
 6 facilities project that is reasonable and necessary. An electric line  
 7 facilities project is presumed to be reasonable and necessary if the  
 8 electric line facilities project:

9 (1) is consistent with, or part of, a plan developed by the:

10 (A) regional transmission organization; or

11 (B) Federal Energy Regulatory Commission; or

12 (2) transmits or distributes electricity generated from  
 13 renewable energy resources.

14 However, an electricity supplier may seek approval from the  
 15 commission at the electricity supplier's next general rate  
 16 proceeding to include in the electricity supplier's basic rates the  
 17 recoverable costs sought in an application approved under this  
 18 subsection.

19 (f) This section does not relieve an electricity supplier of the  
 20 duty to obtain any certificate required under IC 8-1-8.5 or  
 21 IC 8-1-8.7.

22 (g) The commission shall not approve a financial incentive for  
 23 that part of an electric line facilities project that exceeds the lesser  
 24 of:

25 (1) seven percent (7%) of the electricity supplier's rate base  
 26 approved by the commission in the electricity supplier's most  
 27 recent general rate proceeding; or

28 (2) one hundred fifty million dollars (\$150,000,000).

29 (h) The commission may not approve a financial incentive under  
 30 section 9 of this chapter for a particular electricity supplier if the  
 31 commission has approved a financial incentive under section 9 of  
 32 this chapter in the preceding twelve (12) months for that electricity  
 33 supplier, unless the commission determines that approving a  
 34 particular financial incentive for an electricity supplier on a more  
 35 timely basis will benefit the electricity supplier's ratepayers.

36 (i) A financial incentive that the commission approves before  
 37 January 1, 2021, or that an electricity supplier applies for before  
 38 January 1, 2021, and that is subsequently approved, expires on the  
 39 earlier of the following dates:

40 (1) The date on which the electricity supplier accrues the full  
 41 recovery amount authorized by the commission.

42 (2) The date specified by the commission in its approval of the

1           **financial incentive.**

2           **Sec. 11. The commission shall revoke all financial incentives**  
 3           **approved under this chapter for an electricity supplier that the**  
 4           **commission determines has:**

5                 **(1) elected to; and**

6                 **(2) failed to;**

7           **comply with the schedule set forth in IC 8-1-37-5(b).**

8           SECTION 3. IC 8-1-8.4 IS ADDED TO THE INDIANA CODE AS  
 9           A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON  
 10          PASSAGE]:

11          **Chapter 8.4. Certificate of Authority for Certain Projects**

12          **Sec. 1. As used in this chapter, "electric line facilities" means**  
 13          **overhead and underground electric transmission and distribution**  
 14          **lines, electric substations, and overhead and underground**  
 15          **telecommunication lines associated with electric transmission and**  
 16          **distribution.**

17          **Sec. 2. As used in this chapter, "project" means the proposed**  
 18          **activity of a public utility described in section 6 of this chapter.**

19          **Sec. 3. As used in this chapter, "public utility" has the meaning**  
 20          **set forth in IC 8-1-2-1, except as provided in IC 8-1-2-1.1.**

21          **Sec. 4. A public utility that proposes to take, acquire, condemn,**  
 22          **or appropriate land, real estate, or any interest in land or real**  
 23          **estate for one (1) or more of the following purposes with respect to**  
 24          **electric line facilities may elect to follow the procedure in this**  
 25          **chapter instead of the procedures in IC 32-24-1:**

26                 **(1) Construction.**

27                 **(2) Reconstruction.**

28                 **(3) Operation.**

29                 **(4) Maintenance.**

30                 **(5) Relocation.**

31                 **(6) Upgrade.**

32                 **(7) Removal.**

33                 **(8) Additions.**

34          **Sec. 5. If a public utility makes an election under section 4 of**  
 35          **this chapter, the public utility shall:**

36                 **(1) file a petition with the commission for a certificate of**  
 37                 **authority for the project; and**

38                 **(2) publish notice under IC 5-3-1 in each county in Indiana in**  
 39                 **which the project is to occur of:**

40                         **(A) the project; and**

41                         **(B) a public hearing to be held by the commission on the**  
 42                         **project in one (1) or more of those counties.**

1       **Sec. 6. The commission shall grant intervenor status in the**  
 2       **certificate of authority proceeding to any person that petitions the**  
 3       **commission for intervenor status.**

4       **Sec. 7. (a) After the public hearing required by section 5 of this**  
 5       **chapter, the commission shall issue a certificate of authority under**  
 6       **this chapter authorizing the project if in the commission**  
 7       **proceeding the public utility demonstrates the following to the**  
 8       **satisfaction of the commission:**

9           **(1) At least one (1) of the following applies:**

10           **(A) The project is expected to result in intrastate benefits**  
 11           **or interstate benefits, or both.**

12           **(B) Except with respect to the removal of electric line**  
 13           **facilities, the electric line facilities that are the subject of**  
 14           **the project are needed or will be needed to furnish retail**  
 15           **electric service or wholesale electric service, or both, in**  
 16           **Indiana or outside Indiana, or both.**

17           **(C) The project is consistent with or part of a plan**  
 18           **developed by a regional transmission organization**  
 19           **approved by the Federal Energy Regulatory Commission,**  
 20           **or a successor or similar organization, for the control area**  
 21           **applicable to the electric line facilities.**

22           **(2) Except with respect to the removal of electric line facilities,**  
 23           **the following for the project are reasonable:**

24           **(A) The site.**

25           **(B) The location.**

26           **(C) The general route, width, and beginning and end points**  
 27           **of the right-of-way.**

28       **(b) After the public hearing required by section 5 of this**  
 29       **chapter, the commission may deny the petition if the public utility**  
 30       **fails to demonstrate the factors listed in subsection (a) to the**  
 31       **satisfaction of the commission.**

32       **Sec. 8. (a) The commission:**

33           **(1) shall promptly review a petition filed under section 5 of**  
 34           **this chapter for completeness;**

35           **(2) may request additional information it considers necessary**  
 36           **to aid in its review; and**

37           **(3) subject to subsection (b), shall act under section 7 of this**  
 38           **chapter on a petition not later than one hundred twenty (120)**  
 39           **days after the date of the petition.**

40       **(b) The period under subsection (a)(3) does not include the days**  
 41       **beginning on the date of a request for additional information under**  
 42       **subsection (a)(2) and ending on the date the requested information**

1 is provided.

2 (c) If the commission fails to act in a timely manner under  
3 subsection (a)(3):

4 (1) the factors listed in section 7(a) of this chapter are  
5 considered to have been demonstrated to the satisfaction of  
6 the commission; and

7 (2) the certificate of authority for which the petition was filed  
8 under section 5 of this chapter is considered to have been  
9 issued by the commission under section 7 of this chapter.

10 Sec. 9. Upon the request of the public utility, the commission  
11 shall certify the issuance of a certificate of authority under section  
12 7 of this chapter.

13 Sec. 10. If:

14 (1) an action in eminent domain is commenced by a public  
15 utility against an owner of land, real estate, or an interest in  
16 land or real estate to which a certificate of authority issued  
17 under section 7 of this chapter applies;

18 (2) the public utility files in that action the certificate of  
19 authority as certified under section 9 of this chapter; and

20 (3) the court in that action finds that the public utility has  
21 made an offer to purchase the land, real estate, or interest in  
22 land or real estate under IC 32-24-1-3(b)(2) and IC 32-24-1-5;

23 the court shall issue to the public utility an order of appropriation  
24 and appointment of appraisers under IC 32-24-1-7 for the land,  
25 real estate, or interest in land or real estate and assess  
26 compensation and damages for the appropriation under  
27 IC 32-24-1.

28 Sec. 11. Upon review of an appropriate petition filed by a public  
29 utility, the commission shall encourage investment in electric line  
30 facilities by creating financial incentives that the commission finds  
31 to be reasonable and necessary.

32 Sec. 12. If a public utility does not petition under this chapter  
33 for a certificate of authority for specific electric line facilities:

34 (1) nothing in this chapter diminishes:

35 (A) the public utility's right of eminent domain for those  
36 electric line facilities; or

37 (B) the rights of any person in any eminent domain  
38 proceeding; and

39 (2) the election by a public utility to not petition under this  
40 chapter for a certificate of authority may not be raised as an  
41 objection in any eminent domain proceeding by the owner  
42 under IC 32-24-1-8.

SECTION 4. IC 8-1-8.8-2, AS AMENDED BY P.L.175-2007,  
SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
JULY 1, 2009]: Sec. 2. As used in this chapter, "clean coal and energy  
projects" means any of the following:

(1) Any of the following projects:

(A) Projects at new energy production or generating facilities that employ the use of clean coal technology and that produce energy, including substitute natural gas, primarily from coal, or gases derived from coal, from the geological formation known as the Illinois Basin.

(B) Projects to provide advanced technologies that reduce regulated air emissions from existing energy production or generating plants that are fueled primarily by coal or gases from coal from the geological formation known as the Illinois Basin, such as flue gas desulfurization and selective catalytic reduction equipment.

(C) Projects to provide electric transmission facilities to serve a new energy production or generating facility **or a low carbon dioxide emitting or non-carbon dioxide emitting energy production or generating facility.**

(D) Projects that produce substitute natural gas from Indiana coal by construction and operation of a coal gasification facility.

**(E) Projects or potential projects that employ the use of low carbon dioxide emitting or non-carbon dioxide emitting energy production or generating technologies to produce electricity.**

(2) Projects to develop alternative energy sources, including renewable energy projects ~~and~~ **or** coal gasification facilities.

(3) The purchase of fuels **or energy** produced by a coal gasification facility **or by a low carbon dioxide emitting or non-carbon dioxide emitting energy production or generating facility.**

(4) Projects described in subdivisions (1) through ~~(3)~~ **(2)** that use coal bed methane.

SECTION 5. IC 8-1-8.8-6, AS AMENDED BY P.L.175-2007,  
SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
JULY 1, 2009]: Sec. 6. As used in this chapter, "eligible business" means an energy utility (as defined in IC 8-1-2.5-2) or owner of a coal gasification facility that:

(1) proposes to construct or repower a new energy production or generating facility;



(2) proposes to construct or repower a project described in section 2(1) or 2(2) of this chapter;

(3) undertakes a project to develop alternative energy sources, including renewable energy projects or **coal gasification facilities; or**

(4) purchases fuels **or energy** produced by a coal gasification facility **or by a low carbon dioxide emitting or non-carbon dioxide emitting energy production or generating facility.**

SECTION 6. IC 8-1-8.8-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 7.5. (a) As used in this chapter, "low carbon dioxide emitting or non-carbon dioxide emitting energy production or generating facility" means an energy production or generation facility, including transmission lines and equipment described in subsection (b), that is:**

**(1) installed or constructed at the site of a facility that supplies electricity to Indiana retail customers as of July 1, 2009; and**

**(2) intended to produce:**

**(A) no carbon dioxide as a byproduct of the production or generation of energy; or**

**(B) less carbon dioxide per megawatt hour of electricity generated than is produced per megawatt hour of electricity generated by a coal fired or other fossil fuel based energy production or generating facility.**

**(b) The term includes the transmission lines and other associated equipment employed specifically to serve a low carbon dioxide emitting or non-carbon dioxide emitting energy production or generating facility.**

SECTION 7. IC 8-1-8.8-8, AS AMENDED BY P.L.175-2007, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 8. (a) As used in this chapter, "new energy production or generating facility" refers to a generation or coal gasification facility that satisfies all of the following:**

**(1) The facility produces energy primarily from coal or gases from coal from the geological formation known as the Illinois Basin.**

**(2) The facility is a:**

**(A) newly constructed or newly repowered energy ~~generation~~ plant; or**

**(B) newly constructed ~~generation~~ capacity expansion at an existing facility; ~~plant;~~ plant;**

**dedicated primarily to serving Indiana retail customers.**

**(3) The repowering, construction, or expansion of the facility was**

1 begun by an Indiana utility after July 1, 2002.

2 (4) Except for a facility that is a clean coal and energy project  
3 under section 2(2) of this chapter, the facility has an aggregate  
4 rated electric generating capacity of at least one hundred (100)  
5 megawatts for all units at one (1) site or a generating capacity of  
6 at least four hundred thousand (400,000) pounds per hour of  
7 steam.

8 (b) The term includes the transmission lines, gas transportation  
9 facilities, and associated equipment employed specifically to serve a  
10 new energy generating or coal gasification facility.

11 SECTION 8. IC 8-1-8.8-8.5 IS ADDED TO THE INDIANA CODE  
12 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
13 1, 2009]: **Sec. 8.5. As used in this chapter, "qualified utility system  
14 expenses" means any preconstruction costs associated with the  
15 study, analysis, or development of a:**

16 **(1) new energy production or generating facility; or**

17 **(2) new low carbon dioxide emitting or non-carbon dioxide  
18 emitting energy production or generating facility;**

19 **including siting, design, licensing, and permitting costs.**

20 SECTION 9. IC 8-1-8.8-9, AS AMENDED BY P.L.175-2007,  
21 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
22 JULY 1, 2009]: **Sec. 9. As used in this chapter, "qualified utility system  
23 property" means any:**

24 **(1) new energy ~~production or~~ generating ~~or coal gasification~~  
25 facility; or**

26 **(2) new low carbon dioxide emitting or non-carbon dioxide  
27 emitting energy production or generating facility;**

28 used, or to be used, in whole or in part, by an energy utility to provide  
29 retail energy service (as defined in IC 8-1-2.5-3) regardless of whether  
30 that service is provided under IC 8-1-2.5 or another provision of this  
31 article.

32 SECTION 10. IC 8-1-8.8-11 IS AMENDED TO READ AS  
33 FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 11. (a) The commission  
34 shall encourage clean coal and energy projects by creating the  
35 following financial incentives for clean coal and energy projects, if the  
36 projects are found to be reasonable and necessary:**

37 **(1) The timely recovery of costs incurred during construction and  
38 operation of projects described in section 2(1) or 2(2) of this  
39 chapter.**

40 **(2) The authorization of up to three (3) percentage points on the  
41 return on shareholder equity that would otherwise be allowed to  
42 be earned on projects described in subdivision (1).**

(3) Financial incentives for the purchase of fuels **or energy** produced by a coal gasification facility **or by a low carbon dioxide emitting or non-carbon dioxide emitting energy production or generating facility**, including cost recovery and the incentive available under subdivision (2).

(4) Financial incentives for projects to develop alternative energy sources, including renewable energy projects **or coal gasification facilities**.

(5) Other financial incentives the commission considers appropriate.

(b) An eligible business must file an application to the commission for approval of a clean coal and energy project under this section. This chapter does not relieve an eligible business of the duty to obtain any certificate required under IC 8-1-8.5 or IC 8-1-8.7. An eligible business seeking a certificate under IC 8-1-8.5 or IC 8-1-8.7 and this chapter for one (1) project may file a single application for all necessary certificates. If a single application is filed, the commission shall consider all necessary certificates at the same time.

(c) The commission shall promptly review an application filed under this section for completeness. The commission may request additional information the commission considers necessary to aid in its review.

(d) The commission shall, after notice and hearing, issue a determination of a project's eligibility for the financial incentives described in subsection (a) not later than one hundred twenty (120) days after the date of the application, unless the commission finds that the applicant has not cooperated fully in the proceeding.

SECTION 11. IC 8-1-8.8-12, AS AMENDED BY P.L.175-2007, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. (a) The commission shall provide financial incentives to eligible businesses for:

(1) new energy ~~producing and~~ **production or** generating facilities; **and**

(2) **new low carbon dioxide emitting or non-carbon dioxide emitting energy production or generating facilities;**

in the form of timely recovery of the costs incurred in connection with the **study, analysis, development, siting, design, licensing, permitting**, construction, repowering, expansion, operation, or maintenance of the facilities.

(b) An eligible business seeking authority to timely recover the costs described in subsection (a) must apply to the commission for approval of a rate adjustment mechanism in the manner determined by the

1 commission.

2 (c) An application must include the following:

3 (1) A schedule for the completion of construction, repowering, or  
4 expansion of the ~~new energy generating or coal gasification~~  
5 facility for which rate relief is sought.

6 (2) Copies of the most recent integrated resource plan filed with  
7 the commission, if applicable.

8 (3) The amount of capital investment by the eligible business in  
9 the ~~new energy generating or coal gasification~~ facility.

10 (4) Other information the commission considers necessary.

11 (d) The commission shall allow an eligible business to recover:

12 (1) the costs associated with qualified utility system property; **and**

13 **(2) qualified utility system expenses;**

14 if the eligible business provides substantial documentation that the  
15 expected costs ~~associated with qualified utility system property~~ and  
16 **expenses and** the schedule for incurring those costs **and expenses** are  
17 reasonable and necessary.

18 (e) The commission shall allow an eligible business to recover the  
19 costs associated with the purchase of fuels **or energy** produced by a  
20 coal gasification facility **or by a low carbon dioxide emitting or**  
21 **non-carbon dioxide emitting energy production or generating**  
22 **facility** if the eligible business provides substantial documentation that  
23 the costs associated with the purchase are reasonable and necessary.

24 (f) A retail rate adjustment mechanism proposed by an eligible  
25 business under this section may be based on actual or forecasted data.  
26 If forecast data is used, the retail rate adjustment mechanism must  
27 contain a reconciliation mechanism to correct for any variance between  
28 the forecasted costs and the actual costs."

29 Page 2, line 10, delete "of:" and insert "**of renewable energy**  
30 **resources (as defined in IC 8-1-37-4) for the production of**  
31 **electricity; and**".

32 Page 2, delete lines 11 through 32.

33 Page 2, line 33, delete "(3)" and insert "**(2)**".

34 Page 3, line 4, delete "9(b)" and insert "**8(b)**".

35 Page 3, delete lines 5 through 6.

36 Page 3, line 7, delete "7." and insert "**6.**".

37 Page 3, line 8, delete "9" and insert "**8**".

38 Page 3, line 10, delete "8." and insert "**7.**".

39 Page 3, line 12, delete "9." and insert "**8.**".

40 Page 3, line 13, delete "development." and insert "**development to**  
41 **provide assistance to corporations in the development of**  
42 **alternative energy projects.**".

- 1 Page 3, delete lines 41 through 42.
- 2 Delete pages 4 through 7.
- 3 Page 8, delete lines 1 through 33.
- 4 Page 8, line 34, delete "16. (a)" and insert "9."
- 5 Page 8, line 35, delete "Any rules adopted by the office under this".
- 6 Page 8, delete lines 36 through 42.
- 7 Page 9, delete lines 1 through 23.
- 8 Page 9, line 24, delete "17." and insert "10."
- 9 Page 9, line 26, delete "Notwithstanding".
- 10 Page 9, delete lines 27 through 42.
- 11 Page 10, delete lines 1 through 7, begin a new paragraph and insert:
- 12 "SECTION 17. IC 8-1-37 IS ADDED TO THE INDIANA CODE
- 13 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 14 JULY 1, 2009]:
- 15 **Chapter 37. Renewable Energy Development**
- 16 **Sec. 1. (a) As used in this chapter, "electricity supplier" means**
- 17 **a public utility (as defined in IC 8-1-2-1) that furnishes retail**
- 18 **electric service to the public.**
- 19 **(b) The term does not include a utility that is a:**
- 20 **(1) municipally owned utility (as defined in IC 8-1-2-1(h));**
- 21 **(2) corporation organized under IC 8-1-13; or**
- 22 **(3) corporation organized under IC 23-17 that is an electric**
- 23 **cooperative and that has at least one (1) member that is a**
- 24 **corporation organized under IC 8-1-13.**
- 25 **Sec. 2. As used in this chapter, "regional transmission**
- 26 **organization" has the meaning set forth in IC 8-1-8.2-6.**
- 27 **Sec. 3. As used in this chapter, "renewable energy credit", or**
- 28 **"REC", means one (1) megawatt hour of electricity that is:**
- 29 **(1) generated from a renewable energy resource described in**
- 30 **section 4(a) of this chapter;**
- 31 **(2) quantifiable; and**
- 32 **(3) possessed by not more than one (1) entity at a time.**
- 33 **Sec. 4. (a) As used in this chapter, "renewable energy resources"**
- 34 **includes the following sources, technologies, and programs for the**
- 35 **production or conservation of electricity:**
- 36 **(1) Methane systems that convert waste products, including**
- 37 **animal, food, and plant waste, into electricity or fuel for the**
- 38 **production of electricity.**
- 39 **(2) Methane recovered from landfills or coal mines.**
- 40 **(3) Wind.**
- 41 **(4) Solar photovoltaic cells and panels.**
- 42 **(5) Clean coal and energy projects (as defined in IC 8-1-8.8-2),**

including plant efficiency measures.

(6) Dedicated crops grown for energy production.

(7) Energy from waste to energy facilities.

(8) Non-carbon dioxide emitting or low carbon dioxide emitting electricity generating technologies placed in service after June 30, 2009.

(9) Hydropower.

(10) Demand side management, conservation, or energy efficiency programs that:

(A) reduce electricity consumption; or

(B) implement load management or demand response technologies that shift a customer's electric load from periods of higher demand to periods of lower demand.

(11) Combined heat and power systems that:

(A) use natural gas or renewable energy resources as feedstock; and

(B) achieve at least seventy percent (70%) overall efficiency.

(12) Geothermal hot water district heating systems.

(13) Electricity generated through net metering that is regulated under rules adopted by the commission or other Indiana law.

(14) Energy storage facilities.

(15) Integrated gasification combined cycle (IGCC) technology to produce synthetic gas that is used:

(A) to generate electricity; or

(B) as a substitute for natural gas;

regardless of the fuel source used to produce the synthetic gas.

(16) A renewable energy resource listed in IC 8-1-8.8-10 to the extent the renewable energy resource is not already described in this subsection.

(b) Except as provided in subsection (a)(7), the term does not include energy from the incineration, burning, or heating of the following:

(1) Garbage.

(2) General household, institutional, or commercial waste.

(3) Industrial lunchroom or office waste.

(4) Landscape waste.

(5) Construction or demolition debris.

(6) Feedstock that is municipal, food, plant, industrial, or animal waste from outside Indiana.

**Sec. 5. (a) Each electricity supplier shall supply electricity under**

a schedule set forth in either subsection (b) or (c).

(b) In order to qualify for a financial incentive under IC 8-1-2-23.1 or IC 8-1-8.4-9, an electricity supplier shall supply electricity that is generated from renewable energy resources described in section 4(a) of this chapter to Indiana customers as a percentage of the total electricity supplied by the electricity supplier to Indiana customers during a calendar year as follows:

(1) Not later than the calendar year ending December 31, 2010, at least three percent (3%).

(2) Not later than the calendar year ending December 31, 2015, at least six percent (6%).

(3) Not later than the calendar year ending December 31, 2020, at least ten percent (10%).

(4) Not later than the calendar year ending December 31, 2025, at least fifteen percent (15%).

For purposes of this subsection, electricity is measured in megawatt hours.

(c) An electricity supplier that elects not to comply with subsection (b) shall supply electricity that is generated from renewable energy resources described in section 4(a) of this chapter to Indiana customers as a percentage of the total electricity supplied by the electricity supplier to Indiana customers during a calendar year as follows:

(1) Not later than the calendar year ending December 31, 2010, at least one and five-tenths percent (1.5%).

(2) Not later than the calendar year ending December 31, 2015, at least four percent (4%).

(3) Not later than the calendar year ending December 31, 2020, at least seven percent (7%).

(4) Not later than the calendar year ending December 31, 2025, at least ten percent (10%).

For purposes of this subsection, electricity is measured in megawatt hours.

(d) An electricity supplier may own or purchase RECs or carbon offset equivalents to comply with subsection (b) or (c), as applicable.

(e) An electricity supplier may not use a renewable energy resource described in section 4(a)(5), 4(a)(8), 4(a)(10), or 4(a)(11) of this chapter to generate more than twenty-five percent (25%) of the electricity that the electricity supplier is required to supply under subsection (b) or (c), as applicable.

(f) If an electricity supplier exceeds the applicable percentage

under subsection (b) or (c) in a compliance year, the electricity supplier may carry forward the amount of electricity that:

(1) exceeds the applicable percentage under subsection (a);

and

(2) is generated from renewable energy resources;

to comply with the requirement under subsection (b) or (c) for either or both of the two (2) immediately succeeding compliance years.

(g) The commission shall consider the costs incurred by an electricity supplier in complying with subsection (b) or (c), as applicable, as consistent with the requirements of IC 8-1-2-42(d)(1) when ruling on a fuel cost charge requested by the electricity supplier under IC 8-1-2-42(d).

Sec. 6. (a) An electricity supplier that elects to, and fails to, comply with the schedule set forth in section 5(b) of this chapter is no longer eligible for financial incentives as provided in IC 8-1-2-23.1(d) or IC 8-1-8.4-11, as applicable.

(b) An electricity supplier described in subsection (a) shall comply with the schedule set forth in section 5(c) of this chapter beginning in the compliance year in which the electricity supplier fails to comply with the schedule set forth in section 5(b) of this chapter.

Sec. 7. (a) This section applies to an electricity supplier that is required to, and fails to, comply with the schedule set forth in section 5(c) of this chapter.

(b) Beginning January 1, 2011, and annually thereafter, the commission shall determine whether an electricity supplier is in compliance with the schedule set forth in section 5(c) of this chapter. The commission shall make a determination under this subsection not later than March 1 of each year.

(c) If the commission determines that an electricity supplier is not in compliance with the schedule, the commission may impose a reasonable monetary penalty in an amount equal to the product of:

(1) the number of megawatt hours of electricity that the electricity supplier was required to, but failed to, supply under section 5(c) of this chapter; multiplied by

(2) twenty-five dollars (\$25).

In determining the amount of the monetary penalty, the commission shall consider the efforts made by the electricity supplier in attempting to comply with the schedule.

(d) If the commission determines not later than December 31 of



a year that an electricity supplier against whom a monetary penalty was imposed under subsection (c) has achieved compliance with the schedule the commission may refund all or part of the monetary penalty imposed on the electricity supplier for that calendar year.

**Sec. 8. (a)** An electricity supplier is not required to timely comply with section 5(b) or 5(c) of this chapter, as applicable, if the commission determines that the electricity supplier has demonstrated that the cost of compliance with section 5(b) or 5(c) of this chapter, as applicable, using the renewable energy resources available to the electricity supplier would result in an unreasonable increase in the basic rates and charges for electricity supplied to customers of the electricity supplier. The commission shall conduct a public hearing to make a determination under this section.

**(b)** If the commission determines under a hearing conducted under subsection (a) that the cost of compliance with section 5(b) or 5(c) of this chapter, as applicable, would result in an unreasonable rate increase, the commission shall extend the applicable deadline imposed under section 5(b) or 5(c) of this chapter. If the commission extends a deadline under this subsection, the commission shall consider whether subsequent deadlines imposed under section 5(b) or 5(c) of this chapter, as applicable, also should be extended.

**Sec. 9. (a)** The commission shall allow an electricity supplier that complies with the schedule set forth in section 5(b) or 5(c) of this chapter to recover reasonable and necessary costs incurred in:

- (1) constructing, operating, or maintaining facilities to comply with this chapter;
- (2) generating electricity from, or purchasing electricity generated from, a renewable energy resource;
- (3) purchasing RECs or carbon offset equivalents; or
- (4) complying with federal renewable energy resource portfolio requirements;

by a periodic rate adjustment mechanism.

**(b)** The commission shall revoke a periodic rate adjustment mechanism allowed under subsection (a) for an electricity supplier that the commission determines:

- (1) is required to; and
- (2) has failed to;

comply with section 5(b) or 5(c) of this chapter.

**(c)** If the commission revokes a periodic rate adjustment mechanism allowed to an electricity supplier under subsection (b),

the electricity supplier may request, in the electricity supplier's next general rate case, recovery of reasonable and necessary costs incurred by the electricity supplier in attempting to comply with section 5(b) or 5(c) of this chapter, as applicable.

**Sec. 10. (a)** For purposes of calculating RECs to determine an electricity supplier's compliance with section 5(b) or 5(c) of this chapter, as applicable, the following apply:

(1) Except as provided in subdivision (2), one (1) megawatt hour of electricity generated from renewable energy resources in an Indiana facility equals one and five-tenths (1.5) REC.

(2) One (1) megawatt hour of electricity generated from a renewable energy resource described in section 4(a)(1) or 4(a)(2) of this chapter that originates in Indiana equals two (2) RECs.

(3) One (1) megawatt hour of electricity that is:

(A) generated from a renewable energy resource that is directly interconnected to a regional transmission organization whose members include an electricity supplier; and

(B) imported into Indiana;

equals one (1) REC.

(b) An electricity supplier may not apportion all or part of a single megawatt of electricity among more than one (1):

(1) renewable energy resource; or

(2) category set forth in subsection (a);

in order to comply with section 5(b) or 5(c) of this chapter, as applicable.

**Sec. 11.** The Indiana economic development corporation, in consultation with the commission, shall develop a strategy to attract renewable energy component manufacturing and assembly facilities to Indiana.

**Sec. 12.** Beginning in 2016, not later than March 1 of each year, an electricity supplier shall file with the commission a report of the electricity supplier's compliance with this chapter for the preceding calendar year.

**Sec. 13.** The commission shall adopt rules under IC 4-22-2 to implement this chapter. A rule adopted under this section may establish a procedure by which an electricity supplier that initially elects to comply with the schedule set forth in section 5(c) of this chapter may later comply with the schedule set forth in section 5(b) of this chapter.

SECTION 12. IC 8-1-38 IS ADDED TO THE INDIANA CODE AS

A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

**Chapter 38. Green Infrastructure Incentive Program**

**Sec. 1. (a)** As used in this chapter, "alternate energy production facility" has the meaning set forth in IC 8-1-2.4-2(b).

**(b)** The term includes ethanol and biodiesel production facilities.

**Sec. 2.** As used in this chapter, "energy utility" has the meaning set forth in IC 8-1-2.5-2.

**Sec. 3.** As used in this chapter, "green infrastructure project" means the construction, addition, extension, or improvement of an energy utility's plant or equipment to:

**(1)** provide electric, steam, or gas service to; or

**(2)** receive electric, steam, or gas service from;

an alternate energy production facility, a renewable energy manufacturing facility, or a renewable energy resource.

**Sec. 4.** As used in this chapter, "renewable energy manufacturing facility" means a facility that primarily manufactures components used by:

**(1)** an alternate energy production facility; or

**(2)** a facility that produces electricity from, or conserves electricity from the use of, a renewable energy resource.

**Sec. 5.** As used in this chapter, "renewable energy resource" has the meaning set forth in IC 8-1-8.8-10.

**Sec. 6. (a)** The commission shall encourage green infrastructure projects by allowing an adjustment of the energy utility's basic rates and charges to provide the timely recovery of reasonable and necessary costs incurred by the energy utility in connection with a green infrastructure project.

**(b)** In allowing the recovery of costs by allowing an adjustment of the energy utility's basic rates and charges under subsection (a), the commission shall determine the following:

**(1)** The amount of reasonable and necessary costs that the energy utility may recover.

**(2)** The rate adjustment mechanism by which the energy utility may recover costs.

**(3)** The schedule under which the energy utility may recover costs.

The commission shall consider whether the energy utility is allowed to recover reasonable and necessary costs under IC 8-1-37-9 for the same green infrastructure project.

**Sec. 7. (a)** An energy utility must:

**(1)** submit an application to the commission for approval of a

green infrastructure project for which the energy utility seeks to recover costs under section 6 of this chapter; and

(2) serve a copy of the application on the Indiana economic development corporation established by IC 5-28-3-1.

(b) The commission shall prescribe the form for an application submitted under subsection (a).

(c) Upon receipt of an application under subsection (a), the commission shall review the application for completeness. The commission may request additional information from the applicant as needed.

(d) Subject to subsection (e), the commission shall approve or deny the application not later than one hundred twenty (120) days after the date of the application.

(e) The period under subsection (d) does not include the days beginning on the date of a request for additional information under subsection (c) and ending on the date the requested information is provided.

(f) If the commission fails to act on or before the deadline established in subsection (d) on a complete application submitted under subsection (a):

(1) the application is considered approved by the commission; and

(2) the energy utility may implement an adjustment of the energy utility's basic rates and charges to provide the timely recovery of reasonable and necessary costs incurred by the energy utility in connection with the green infrastructure project.

**Sec. 8. The commission may adopt rules to implement this chapter.**

SECTION 15. IC 8-1-38.2 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

#### **Chapter 38.2. Net Metering**

**Sec. 1. As used in this chapter, "customer" means a person, a firm, a corporation, a municipality, or any other government agency that has agreed to pay for retail electric service from an investor owned utility.**

**Sec. 2. As used in this chapter, "eligible net metering customer" means a customer in good standing that owns and operates a net metering facility that has a nameplate capacity less than or equal to one hundred (100) kilowatts.**

**Sec. 3. As used in this chapter, "in good standing" means a**

1       **customer:**

2               **(1) whose account is not more than thirty (30) days in arrears;**  
3               **and**

4               **(2) who does not have any legal orders outstanding pertaining**  
5               **to the customer's investor owned electric utility.**

6       **Sec. 4. As used in this chapter, "interconnected" or**  
7       **"interconnection" means the physical, parallel connection of a net**  
8       **metering facility with a distribution facility of an investor owned**  
9       **electric utility.**

10       **Sec. 5. As used in this chapter, "investor owned electric utility"**  
11       **or "utility" means an electric utility that is financed by the sale of**  
12       **securities and whose business operations are overseen by a board**  
13       **representing the shareholders of the electric utility.**

14       **Sec. 6. As used in this chapter, "nameplate capacity" means the**  
15       **full load, continuous rating of a generator under specified**  
16       **conditions as designated by the manufacturer.**

17       **Sec. 7. As used in this chapter, "net metering" means the**  
18       **measurement of the difference between:**

19               **(1) the electricity that an investor owned electric utility**  
20               **supplies to an eligible net metering customer; and**

21               **(2) the electricity that an eligible net metering customer**  
22               **supplies back to the investor owned electric utility.**

23       **Sec. 8. As used in this chapter, "net metering facility" means an**  
24       **arrangement of equipment that is:**

25               **(1) used for the production of electricity from a renewable**  
26               **energy resource (as defined in IC 8-1-8.8-10);**

27               **(2) owned and operated by an eligible net metering customer;**

28               **(3) located on the eligible net metering customer's premises;**  
29               **and**

30               **(4) used primarily to offset all or part of the eligible net**  
31               **metering customer's own electricity requirements.**

32       **Sec. 9. As used in this chapter, "parallel" means the designed**  
33       **operation of the net metering facility, interconnection equipment,**  
34       **and the investor owned electric utility's system where the**  
35       **instantaneous flow of electrical energy may automatically occur in**  
36       **either direction across the interconnection point between the net**  
37       **metering facility and the electrical utility's distribution system.**

38       **Sec. 10. (a) An investor owned electric utility shall offer net**  
39       **metering to eligible net metering customers that install a net**  
40       **metering facility.**

41               **(b) An investor owned electric utility may offer net metering to**  
42       **customers other than eligible net metering customers.**

(c) An investor owned electric utility that offers net metering to its customers may limit the total amount of net metering facility nameplate capacity under the net metering tariff to one percent (1%) of the most recent summer peak load of the utility.

**Sec. 11. An investor owned electric utility shall determine an eligible net metering customer's monthly bill as follows:**

(1) Bill charges, credits, rates, and adjustments must be in accordance with the utility's tariff and administrative rules that would apply if the eligible net metering customer did not participate in net metering.

(2) If the amount of electricity generated during a billing cycle by the net metering customer and delivered to the electric utility is less than the amount of electricity delivered during the same billing cycle by the electric utility to the net metering customer, the electric utility shall bill the net metering customer for the difference between the amounts at the applicable rate under the tariff filed by the electric utility with the commission.

(3) If the amount of electricity generated during a billing cycle by the net metering customer and delivered to the electric utility exceeds the amount of electricity delivered during the same billing cycle by the electric utility to the net metering customer, the electric utility shall credit the difference between the amounts, measured in kilowatt hours, to the net metering customer in the next billing cycle.

(4) If an eligible net metering customer becomes ineligible or otherwise stops participating in an investor owned electric utility's net metering tariff, any remaining credit determined under subdivision (3) reverts to the utility.

**Sec. 12. A rule that is:**

(1) adopted by the commission and codified at 170 IAC 4-4.2; and

(2) contrary to this chapter;

**is void.**

SECTION 16. IC 32-24-1-5, AS AMENDED BY P.L.163-2006, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) As a condition precedent to filing a complaint in condemnation, and except for an action brought under IC 8-1-13-19 (repealed), a condemnor may enter upon the property as provided in this chapter and must, at least thirty (30) days before filing a complaint, make an offer to purchase the property in the form prescribed in subsection (c). The offer must be served personally or by

1 certified mail upon:

2 (1) the owner of the property sought to be acquired; or

3 (2) the owner's designated representative.

4 (b) If the offer cannot be served personally or by certified mail, or  
5 if the owner or the owner's designated representative cannot be found,  
6 notice of the offer shall be given by publication in a newspaper of  
7 general circulation in the county in which the property is located or in  
8 the county where the owner was last known to reside. The notice must  
9 be in the following form:

10 NOTICE

11 TO: \_\_\_\_\_, \_\_\_\_\_ (owner(s)),  
12 \_\_\_\_\_ (condemnor) needs your property for  
13 a \_\_\_\_\_ (description  
14 of project), and will need to acquire the following from you:

15 \_\_\_\_\_ (general  
16 description of the property to be acquired). We have made you a formal  
17 offer for this property that is now on file in the Clerk's Office in the  
18 \_\_\_\_\_ County Court House. Please pick up the offer. If you do not  
19 respond to this notice or accept the offer by \_\_\_\_\_ (a date 30 days from  
20 1st date of publication) 20\_\_\_\_, we shall file a suit to condemn the  
21 property.

22 \_\_\_\_\_  
23 Condemnor

24 The condemnor must file the offer with the clerk of the circuit court  
25 with a supporting affidavit that diligent search has been made and that  
26 the owner cannot be found. The notice shall be published twice as  
27 follows:

28 (1) One (1) notice immediately.

29 (2) A subsequent publication at least seven (7) days and not more  
30 than twenty-one (21) days after the publication under subdivision  
31 (1).

32 (c) The offer to purchase must be in the following form:

33 UNIFORM PROPERTY OR EASEMENT

34 ACQUISITION OFFER

35 \_\_\_\_\_ (condemnor) is authorized by Indiana law to obtain  
36 your property or an easement across your property for certain public  
37 purposes. \_\_\_\_\_ (condemnor) needs (your property) (an  
38 easement across your property) for a \_\_\_\_\_  
39 (brief description of the project) and needs to take  
40 \_\_\_\_\_ (legal description of the property or easement  
41 to be taken; the legal description may be made on a separate sheet and  
42 attached to this document if additional space is required)

1 It is our opinion that the fair market value of the (property) (easement)  
 2 we want to acquire from you is \$ \_\_\_\_\_, and, therefore, \_\_\_\_\_  
 3 (condemnor) offers you \$ \_\_\_\_\_ for the above described (property)  
 4 (easement). You have thirty (30) days from this date to accept or reject  
 5 this offer. If you accept this offer, you may expect payment in full  
 6 within ninety (90) days after signing the documents accepting this offer  
 7 and executing the easement, and provided there are no difficulties in  
 8 clearing liens or other problems with title to land. Possession will be  
 9 required thirty (30) days after you have received your payment in full.  
 10 HERE IS A BRIEF SUMMARY OF YOUR OPTIONS AND  
 11 LEGALLY PROTECTED RIGHTS:

12 1. By law, \_\_\_\_\_ (condemnor) is required to make a  
 13 good faith effort to purchase (your property) (an easement across  
 14 your property).

15 2. You do not have to accept this offer and \_\_\_\_\_  
 16 (condemnor) is not required to agree to your demands.

17 3. However, if you do not accept this offer, and we cannot come to  
 18 an agreement on the acquisition of (your property) (an easement),  
 19 \_\_\_\_\_ (condemnor) has the right to file suit to condemn  
 20 and acquire the (property) (easement) in the county in which the  
 21 property is located.

22 4. You have the right to seek advice of an attorney, real estate  
 23 appraiser, or any other person of your choice on this matter.

24 5. **Unless the condemnor has been issued a certificate of**  
 25 **authority from the Indiana utility regulatory commission for**  
 26 **this project under IC 8-1-8.4,** you may object to the public  
 27 purpose and necessity of this project.

28 6. If \_\_\_\_\_ (condemnor) files a suit to condemn and  
 29 acquire (your property) (an easement) and the court grants its  
 30 request to condemn, the court will then appoint three appraisers  
 31 who will make an independent appraisal of the (property)  
 32 (easement) to be acquired.

33 7. If we both agree with the court appraisers' report, then the matter  
 34 is settled. However, if either of us disagrees with the appraisers'  
 35 report to the court, either of us has the right to ask for a trial to  
 36 decide what should be paid to you for the (property) (easement)  
 37 condemned.

38 8. If the court appraisers' report is not accepted by either of us, then  
 39 \_\_\_\_\_ (condemnor) has the legal option of depositing  
 40 the amount of the court appraisers' evaluation with the court. And  
 41 if such a deposit is made with the court, \_\_\_\_\_  
 42 (condemnor) is legally entitled to immediate possession of the



(property) (easement). You may, subject to the approval of the court, make withdrawals from the amount deposited with the court. Your withdrawal will in no way affect the proceedings of your case in court, except that, if the final judgment awarded you is less than the withdrawal you have made from the amount deposited, you will be required to pay back to the court the amount of the withdrawal in excess of the amount of the final judgment.

9. The trial will decide the full amount of damages you are to receive. Both of us will be entitled to present legal evidence supporting our opinions of the fair market value of the property or easement. The court's decision may be more or less than this offer. You may employ, at your cost, appraisers and attorneys to represent you at this time or at any time during the course of the proceeding described in this notice. (The condemnor may insert here any other information pertinent to this offer or required by circumstances or law).

10. If you have any questions concerning this matter you may contact us at:

\_\_\_\_\_  
\_\_\_\_\_

(full name, mailing and street address, and phone of the condemnor)

This offer was made to the owner(s):

\_\_\_\_\_ of \_\_\_\_\_,  
\_\_\_\_\_ of \_\_\_\_\_,  
\_\_\_\_\_ of \_\_\_\_\_,  
\_\_\_\_\_ of \_\_\_\_\_,

on the \_\_\_\_ day of \_\_\_\_ 20\_\_\_\_,

BY:

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(printed name and title)

Agent of: \_\_\_\_\_

\_\_\_\_\_  
(condemnor)

If you decide to accept the offer of \$ \_\_\_\_ made by \_\_\_\_\_ (condemnor) sign your name below and mail this form to the address indicated above. An additional copy of this offer has been provided for your file.

#### ACCEPTANCE OF OFFER

I (We), \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_,

owner(s) of the above described property or interest in property,  
 hereby accept the offer of \$ \_\_\_\_\_ made by \_\_\_\_\_  
 (condemnor) on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

NOTARY'S CERTIFICATE

STATE OF \_\_\_\_\_ )

)SS:

COUNTY OF \_\_\_\_\_ )

Subscribed and sworn to before me this \_\_\_\_\_ day of  
 \_\_\_\_\_, 20\_\_\_\_.

My Commission Expires: \_\_\_\_\_

(Signature)

(Printed) NOTARY PUBLIC

(d) If the condemnor has a compelling need to enter upon property to restore utility or transportation services interrupted by disaster or unforeseeable events, the provisions of subsections (a), (b), and (c) do not apply for the purpose of restoration of utility or transportation services interrupted by the disaster or unforeseeable events. However, the condemnor shall be responsible to the property owner for all damages occasioned by the entry, and the condemnor shall immediately vacate the property entered upon as soon as utility or transportation services interrupted by the disaster or unforeseeable event have been restored."

Renumber all SECTIONS consecutively.

(Reference is to HB 1360 as reprinted February 21, 2009.)

**and when so amended that said bill do pass .**

Committee Vote: Yeas 10, Nays 1.

**Senator Hershman, Chairperson**